IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 961 of 2005
In
Summons for Judgment No. 855 of 2004
In
Summary Suit No. 3419 of 2003

M/s. Moby Enterprises .. Appellant
V/s.
Navinchandra Harilal Trivedi .. Respondent

Mr. P.S. Gidwani for the Appellant
Mr. P.M. Shah for the Respondent

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 27.10.2005.

P.C.:-

1. Heard the learned counsel for the Appellant and the Respondent. We have perused the impugned order dated 4.10.2005, whereby the learned Single Judge has directed the Appellant to deposit a sum of Rs. 8,00,000/- while granting leave to the Appellant with regard to the Suit claim of Rs. 18,21,310/-.

2. It is the case of the Appellant that no goods were received by them. Even to the Respondent's Advocate's notice, there was no reply by the Appellant disputing the same. Under these circumstances, we do not find any merit in the contention that the goods were not supplied. There is no illegality in the order of the learned Single Judge. Appeal stands dismissed. However, we extend the time to deposit the sum of Rs. 8,00,000/- for a further period of six weeks from today.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)